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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 63 of 2026

Valli

W/o.Vasudevan,

No.14, Thiru.Vi.Ka.Nagar 7th Street,

Pulianthope, Chennai-600 012.

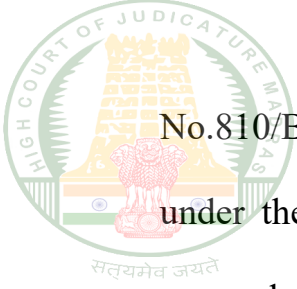
..Petitioner(s)

Vs

1. State of Tamilnadu rep.by, The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Police Commissioner,
Vepery, Chennai-7.
3. The Superintendent
Central Prison,
Puzhal, Chennai-66.
4. The Inspector of Police,
P1-Pulianthope Police station,
Chennai.

..Respondent(s)

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ of direction calling for the records relating to the detention order in Memo



No.810/BBCDEFGISSSV/2025 dated 17.10.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's Son Saravanan S/o.Vasudevan, the detenu, Now confined in Central prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's son Saravanan S/o.Vasudevan, aged about 24 years the detenu herein at liberty.

For Petitioner(s): Mr.N.Naresh

For Respondent(s): Mr.C.R.Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

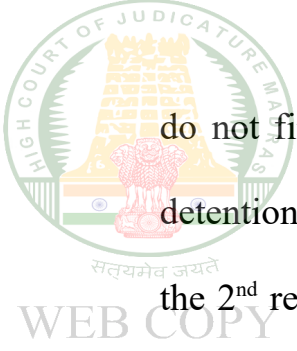
ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Mr.N.Naresh, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

2. The mother of one Saravanan (detenu) S/o Vasudevan, who was detained as a Drug Offender under Section 2(e) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 17.10.2025.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 16.09.2025 and he was detained on 17.10.2025. We

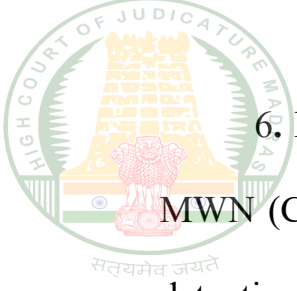


do not find any satisfactory explanation for the delay in passing the order of detention either in the grounds of detention or in the counter affidavit filed by the 2nd respondent. Hence, we are of the view that the live and proximate link between grounds of detention and the purpose of detention stands snapped.

4. In *Sushanta Kumar Banik Vs. State of Tripura* (2022 LiveLaw (SC) 813), a similar issue arose, and the relevant discussion reads as follows:

“21. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

5. Drawing inspiration from the judgment in *Sushanta Kumar Banik's* case, a co-ordinate Bench of this Court in the case of *Gomathi Vs. Principal Secretary to Government and Others* (2023 SCC OnLine Mad 6332), had held that when there is an inordinate delay between the date of arrest/date of proposal and the order of detention, the live and proximate link between them would also stand snapped and thereby, had quashed the detention order on this ground.



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6. In yet another case i.e., in *Nagaraj Vs. State of Tamil Nadu*, ((2018) 3 MWN (Cri) 428), this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. In the present case, the delay is more than a month, and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

7. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (16.09.2025) and order of detention (17.10.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

8. In addition, the subjective satisfaction of the detaining authority is vitiated for the reason that reliance upon an order passed in CrI.M.P.No.1414 of 2021 dated 04.06.2021 by the Principal Sessions Judge under EC & NDPS Act, Chennai to infer that the detenu is likely to come out on bail, is misplaced.

9. The accused in that case had no previous cases, whereas the detenu has nine previous cases. Since the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu is considered.



10. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but ipse dixit.

11. That apart, the remand order contain an error, in that, it is stated that the accused was produced on 15.09.2025, whereas the date of occurrence was itself 16.09.2025. This indicates non-application of mind by the authority, who has mechanically placed the remand order in the booklet, without even noting the error.

12. In '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*2011 [5] SCC 244*', the Hon'ble Supreme Court had held that where the detention order is passed based on irrelevant material, then, the same is liable to be quashed. Incidentally, the co-accused had approached this Court in HCP No. 2372 of 2025 that has been allowed on 25.06.2026.

13. We are therefore of the view that, for the aforesaid reasons, the impugned detention order is liable to be set aside and, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.810/BBCDEFGISSSV/2025 dated 17.10.2025 is set aside.

14. The detenu, viz., Saravanan, S/o.Vasudevan, male aged 24 years, who is now confined in Central Prison, Puzhal, Chennai, is directed to be set at



liberty forthwith unless his presence is required in connection with any other case.

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(A.S.M.,J.) (S.M.,J.)

01-07-2026

ssm

Index: Yes/No

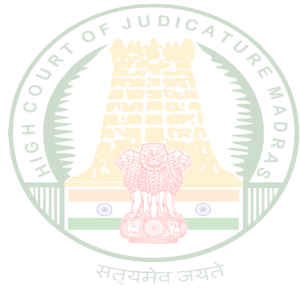
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Police Commissioner,
Vepery, Chennai-7.
3. The Superintendent
Central Prison,
Puzhal, Chennai-66.
4. The Inspector of Police,
P1-Pulianthope Police station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SSM

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